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Nepal: Overview of the political situation, including information on the treatment of political party members and supporters by opponents (2010-2011)

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Political Developments, 2010-2011

In 2010 and 2011, media sources and specialists in Nepali politics described the political situation in Nepal as a "political deadlock" (Xinhua 29 Nov. 2010; *The Kathmandu Post* 29 Nov. 2010; BBC 26 May 2011; AFP 29 Aug. 2011; *The Telegraph* 2 Nov. 2011; Freedom House 2011). Numerous sources have noted the challenges posed by the lack of consensus between political parties (*Time* 17 Aug. 2011; BBC 26 May 2011), as well as within them (*ibid.*; International Crisis Group 13 Dec. 2011, 1, 3; Freedom House 2011).

For example, Nepal's legislature, the Constituent Assembly, was elected in 2008 and tasked with drafting a new constitution (UN 30 Aug. 2011; Freedom House 2011; AFP 29 Aug. 2011). Its deadline to produce a constitution has passed and been extended four times: in May 2010, May 2011, August 2011 (UN 30 Aug. 2011), and November 2011 (*The Hindu* 29 Nov. 2011). According to media sources, the Supreme Court has ruled that the fourth extension will be the last (*ibid.*; *The Kathmandu Post* 25 Nov. 2011) and that the Constituent Assembly will be dissolved if it fails to draft a constitution (*ibid.*). The final deadline has been set for May 2012 (*The Hindu* 29 Nov. 2011).

In June 2010, Prime Minister Madhav Kumar Nepal, of the Unified Marxist-Leninist party (CPN-UML [or UML]) (Human Rights Watch Jan. 2011, 1), resigned his post (*ibid.*; BBC 30 Aug. 2011; Freedom House 2011). His resignation is reported to have been influenced by "pressure" from the Unified Communist Party of Nepal (Maoist) (UCPN-M) (BBC 30 Aug. 2011; Human Rights Watch Jan. 2011, 1). According to Human Rights Watch, the Maoists, in parliamentary opposition since May 2009 (*ibid.* 20 Sept. 2011; BBC 30 Aug. 2011), had been demanding the formation of a unity government that they would lead (Human Rights Watch Jan. 2011, 1).

Following Prime Minister Nepal's resignation, the Constituent Assembly underwent 16 rounds of voting that failed to elect a prime minister (Xinhua 29 Nov. 2010; Europa World n.d.). Nepal remained without a prime minister until February 2011, when Jhala Nath Kanai of the CPN-UML took the position (*Time* 17 Aug. 2011; AFP 29 Aug. 2011). Kanai resigned in August 2011, reportedly due to

the lack of progress made on Nepal's peace process and the new constitution (ibid.; BBC 30 Aug. 2011). In August 2011, Baburam Bhattari of the Maoist party was elected prime minister (ibid.; AFP 29 Aug. 2011; UN 30 Aug. 2011), with the support of the Samyukta Loktantrik Madhesi Morcha [also called Madhesi People's Rights Forum (Democratic) party or Unified Democratic Madhesi Front or Morcha], an alliance of five parties based in the south (International Crisis Group 13 Dec. 2011, 1; AFP 29 Aug. 2011). Sources indicate that the Maoists have made an unofficial agreement with the Nepali Congress, the main opposition party (International Crisis Group 13 Dec. 2011, 1), which will allow the Congress party to lead the government after the constitution is drafted and until the next elections take place (ibid.; *The Hindu* 7 Nov. 2011; *The Economist* 5 Nov. 2011).

A peace agreement was signed in November 2011 by the four main political parties (BBC 1 Nov. 2011; AFP 20 Nov. 2011). According to various sources, the agreement resolved the situation of the Maoist's 19,000 former fighters [People's Liberation Army (International Crisis Group 13 Dec. 2011, 18)] who had been staying in cantonments [military camps] since the end of the civil war (AFP 20 Nov. 2011; *The Economist* 5 Nov. 2011; *The Telegraph* 2 Nov. 2011). The agreement, which provided options for the former fighters' rehabilitation, retirement, or integration into the Nepalese Army (AFP 20 Nov. 2011; International Crisis Group 13 Dec. 2011, 4), has been described by media sources as a "breakthrough" (AFP 20 Nov. 2011; *The Telegraph* 2 Nov. 2011; *The Hindu* 7 Nov. 2011). Sources indicate that the unresolved issue of the former fighters had been the key obstacle to progress on the constitution (International Crisis Group 13 Dec. 2011, 2; *The Hindu* 7 Nov. 2011; *The Economist* 5 Nov. 2011).

According to the International Crisis Group, following the signing of the November 2011 agreement, "[t]he most critical constitutional issue" is restructuring Nepal into a federal state (13 Dec. 2011, 7). Sources indicate that issues of concern affecting the new constitution include greater representation and recognition of the country's various ethnic groups (Human Rights Watch 20 Sept. 2011), castes, and linguistic groups (International Crisis Group 13 Dec. 2011, 1), as well as the decentralization of the government (ibid.; Human Rights Watch 20 Sept. 2011).

Treatment of Political Party Members

According to the Asian Human Rights Commission (AHRC), "[the] extreme politicization of public life has resulted in increased reports of clashes among party cadres at the local level, contributing to deteriorating security in the country" (8 Dec. 2011, 7). Several organizations have reported on acts of violence allegedly committed by members of the Maoist party (Carter Center 4 Aug. 2011, 10; US 8 Apr. 2011, 5, 13, 16; Freedom House 2011). This violence reportedly includes attacks on political opponents (Carter Center 4 Aug. 2011, 10; US 8 Apr. 2011, 14). Journalists were also attacked and threatened with impunity during nationwide Maoist protests in May 2010 (ibid., 16; Freedom House 2011).

The Youth Communist League (YCL), the youth wing of the Maoist party (AHRC 8 Dec. 2011, 5), has also been reported to have attacked political opponents (US 8 Apr. 2011, 14; Freedom House 2011). Additionally, Freedom House indicates that the YCL has "meted out vigilante justice in rural areas" (ibid.). The US Department of State reports that, in the Terai region, Maoists and

YCL members, as well as other "ethnically based splinter groups ... frequently committed acts of violence, extortion, and intimidation" in 2010 (8 Apr. 2011, 13).

The AHRC also reports, however, that political party members, particularly Maoists, were the target of killings in the Terai region in 2011 (8 Dec. 2011, 7). Similarly, the Carter Center, a non-governmental organization founded by former US president Jimmy Carter to promote global peace and health (Carter Center n.d.), reports that Maoist cadres and leaders seem to "have been disproportionately targeted" by armed-group violence in the Terai region (ibid. 4 Aug. 2011, 4).

Nevertheless, a study conducted by the Carter Center found "broad consensus" that, although incidents of political violence remain, political space in Nepal has opened up since the 2008 Constituent Assembly elections, and that political parties were generally "able to conduct [their] public and internal events without interference" (ibid., 3, 4). This assessment is corroborated by the US Department of State (8 Apr. 2011, 24). Additionally, according to the AHRC, under the terms of the peace agreement signed in November 2011, the YCL is to be dismantled (8 Dec. 2011, 5).

According to the US Department of State, the Maoists' parallel government structures and courts continued to function in 2010 in some regions, particularly in rural areas, although they were to have been dismantled in 2007 (US 8 Apr. 2011, 11). The same source states that Maoists also expected decisions and sentences previously made in their courts to be carried out (ibid.). Sources report that an agreement made between the Maoist party and its coalition partners in August 2011 includes a commitment to withdraw criminal cases against individuals affiliated with the Maoist party and other groups (Human Rights Watch 20 Sept. 2011; AHRC 8 Dec. 2011, 15). The agreement also reportedly declared general amnesty for crimes committed during the conflict period (ibid.). In November 2011, the Government of Nepal reportedly recommended that Balkrishna Dhungel, an elected member of the Constituent Assembly and a member of the Maoist party (Advocacy Forum-Nepal 9 Nov. 2011) who was convicted of murder, be granted amnesty (ibid.; AHRC 8 Dec. 2011, 16-17).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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